UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Chapter 7

Daniel William Freismuth, and
Christine Marie Freismuth,

Debtors.
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Case No. 16-52702

Hon. Phillip J. Shefferly

ORDER FINDING DEBTORS TO BE INELIGIBLE FOR A DISCHARGE

On September 14, 2016, the Debtors filed this Chapter 7 case pro se. On October 17, 2016, the Court entered an order (ECF No. 33) requiring the Debtors to appear at a hearing on October 24, 2016 at 10:30 a.m. to show cause why the Court should not find them to be ineligible for a discharge in this case because they obtained a Chapter 7 discharge in a previous Chapter 7 case that was filed less than eight years before this case. Specifically, the show cause order referred to Chapter 7 case no. 09-63521, which the Debtors filed on July 29, 2009 in the Eastern District of Michigan. The Debtors did not appear at the hearing on October 24, 2016. The Court then entered a second separate order (ECF No. 35) on October 24, 2016 adjourning the show cause hearing until October 31, 2016 at 10:30 a.m. to give the Debtors another opportunity to be heard on this issue. Again, the Debtors did not appear at the hearing.

Based on its review of the Debtors' first Chapter 7 case and this Chapter 7 case, and without the benefit of having the Debtors attend the adjourned hearing on October 31, 2016, the Court finds that the Debtors are ineligible for a Chapter 7 discharge in this case under § 727(a)(8) of the

Bankruptcy Code because they obtained a Chapter 7 discharge in a case that was filed less than eight years before this case. Accordingly,

IT IS HEREBY ORDERED that the Debtors are ineligible for a Chapter 7 discharge in this case.

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Signed on October 31, 2016

/s/ Phillip J. Shefferly
Phillip J. Shefferly
United States Bankruptcy Judge